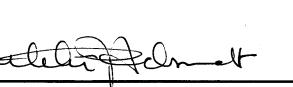
COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Public Works	(2) MEETING DATE April 25, 2006	(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Age (805) 781-5290					
(4) SUBJECT Submittal of a Resolution of Intention to Vacate a Portion of Quicksilver Way Offer to Dedicate and Temporary Easement, a Purported Public Road in the Town of Templeton, Supervisorial District 1							
(5) SUMMARY OF REQUEST The Templeton vacation is requested by owners of adjacent parcels to facilitate consolidation of right of way into their parcel.							
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached Resolution of Intention to Vacate and set the public hearing for this matter for 9:00 a.m. on May 23, 2006. It is also recommended that the subject Planning Commission Report, attached hereto, be approved.							
(7) FUNDING SOURCE(S) Public Works	(8) CURRENT YEAR COST Undetermined (County may avoid future maintenance liability obligations)	(9) ANNUAL COST Undetermined - minimal, if anything at all	(10) BUDGETED? □ YES INA/A □ NO				
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Department of Planning and Building, Environmental Coordinator's Division, County Counsel, and County Parks Division, Templeton Advisory Group							
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? No							
(13) SUPERVISOR DISTRICT(S)		(14) LOCATION MAP ★Attached □ N/A					
	ng (Time Est) Business (Time Est)	(16) EXECUTED DOCUMENTS ☐ Resolutions (Orig + 4 copies) ☐ Ordinances (Orig + 4 copies) ☐ N/A					
(17) NEED EXTRA EXECUTED COPIE		(18) APPROPRIATION TRANSFER REQUIRED? ☐ Submitted ☐ 4/5th's Vote Required 💢 N/A					

Reference: 06APR25-C-9

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(19) ADMINISTRATIVE OFFICE REVIEW







SAN LUIS OBISPO COUNTY **DEPARTMENT OF PUBLIC WORKS**

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO:

Board of Supervisors

FROM:

Timothy J. Smith, Right of Way Agent

VIA:

Glen L. Priddy, Deputy Director of Public Works - Engineering

Services (*

DATE:

April 25, 2006

SUBJECT:

Submittal of a Resolution of Intention to Vacate a Portion of

Quicksilver Way Offer to Dedicate and Temporary Easement, a Purported Public Road in the Town of Templeton, Supervisorial

District 1

Recommendation

It is recommended that your Board adopt the attached Resolution of Intention to Vacate and set the public hearing for this matter for 9:00 a.m. on May 23, 2006. It is also recommended that the subject Planning Commission Report, attached hereto, be approved.

Discussion

The Quicksilver Way vacation has been requested by the owners of adjacent properties to officially extinguish a temporary road easement and offer to dedicate, which were created by a previous tract map. The proper procedure to terminate the two real property interests is by the road vacation process. The County Planning Commission on March 23, 2006 concurred with the County staff, that the request is in conformity with the County General Plan. The subject conformity report is also attached for your approval.

Other Agency Involvement/Impact

The County Planning Department prepared the necessary conformity report. The neighborhood advisory council reviewed the proposed request. The resolutions has been reviewed and approved by the Office of County Counsel.

Financial Considerations

In the event the vacation is approved at the forthcoming hearing, the excess right of way would be absorbed into the adjoining properties. There is no direct financial impact expected to result from the recommended Board action

Results

Approval of the recommended action will result in the setting of formal hearing date in compliance with appropriate statutes, and will permit the future consolidation of property interests, leading to the ultimate community-wide result of a more well governed community.

Attachments:

Vicinity Map

Resolution of Intention to Vacate

Notice of Hearing

Conformity Report from County Planning Commission

File: TJS

Reference:

06APR25-C-9

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モー SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP DIRECTOR

TO:

Planning Commission

FROM:

Leonard F. Mansell, Planner III

DATE:

March 23, 2006

General Plan Conformity Report for the abandonment of two existing offers of SUBJECT: dedication located at the South end of Quicksilver Way in the Community of Templeton.

(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable provisions of the general plan.

> (805) 781-5600 WEBSITE: http://www.sloplanning.org

COUNTY GOVERNMENT CENTER . SAN LUIS OBISPO .

CALIFORNIA 93408



21-2

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Promoting the wise use of land Helping build great communities

DETERMINATION DATE March 23, 2006	CONTACT/PHONE Leonard F. Mansell 781-5199		APPLICANT . Juan Lopez	FILE NO. SUB2004-00274		
SUBJECT Determination of conformity with the General Plan for the abandonment of two existing offers of dedication located at the South end of Quicksilver Way in the Community of Templeton.						
RECOMMENDED ACTION Receive and file the determination that the proposed abandonment is in conformity with the County General Plan						
ENVIRONMENTAL DETERMINATION Not required for general plan conformity reports						
LANDUSE CATEGORY Residential Suburban		ASSESSOR PARCEL NUMBER 039-272-030		SUPERVISOR DISTRICT (S)		
PLANNING AREA STANDARDS: Not applicable						
EXISTING USE: Single Family Dwelling						
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential South: Residential/Vacant West: Residential /Vacant						
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to Templeton Advisory Group, County Public Works, County Parks, & CDF						
TOPOGRAPHY: Flat to gently rolling			VEGETATION: Grasses & Urban Landscape			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/Templeton Fire Dept			ACCEPTANCE DATE: March 11, 2005			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER SAN LUIS OBISPO CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242						



21-3

Planning Commission March 23, 2006

Page 2 Lopez Abandonment

PROJECT DESCRIPTION

This request is to abandon two offers of dedication that were required during the processing of Parcel Map CO 89-0281. The first offer was a 945 sq. ft. area that was intended for an emergency service turnaround. The second offer of dedication is a 2495 sq. ft. triangular shaped piece intended to connect any future development to the south of CO 89-0281. The development to the South did not use this easement in their design leaving this triangular section of dedicated right-of-way unused. The County Parks Department acquired an easement for an equestrian trail from the development to the south, which is not affected by the abandonment.

GENERAL PLAN CONFORMITY

When the county receives a request for the disposal of real property, in the form of public right-of-way or private easement, within the unincorporated area, the proposal must be evaluated for consistency with the County General Plan before the action is authorized. Pursuant to Government Code section 65100, the Planning Department is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

The determination of conformity is to be based on the County General Plan, goals, policies, programs, standards, and ordinances, including the maps and text contained therein. Factors that are listed in the Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

- 1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.
- The project is consistent with the goals, objectives and policies of the Land Use Element, and any other applicable General Plan Element.

The abandonment of this right-of-way/easement meets the factors as set forth in the Land Use Element as enumerated above.

Generally, the abandonment of a right-of-way does not extinguish rights of properties that have legally established easements over the right-of-way. These properties maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it to the private use and development by adjacent owners. The Board of Supervisors can retain public circulation in an abandoned right-of-way for purposes of slope easements, trails or equestrian trails.





Page 3 Lopez Road Abandonment

SUMMARY EVALUATION

	Table A						
Guidelines for Evaluating General Plan Conformity							
	Review Category		Conformity		Comments		
A. Is Crite	the project consistent with the Conformity ria from Framework for Planning?	Yes	Maybe	No			
1	Relationship to Adopted Plans	Х					
2	Consistent with the Land Use Element and Local Coastal Program	Х					
•	Project Designed Consistent to the LUO Standards			N/A			
4	Sale or Abandonment of Public Property or ROW will not interfere with development of public sites identified in the General Plan	Х					
B. Is	the project/proposal consistent with existing ted General Plan Elements?	Yes	Maybe	No			
1	Countywide General Plan policies			N/A			
2.	LCP Policy Document			N/A			
3	Ch 2-Coastal Access			N/A			
4	Pol 1 Protection of Exist Access			N/A			
5	Pol 4-Provision for Support Facilities			N/A			
6	Pol 8-Min. Conflicts between Adj Uses			N/A			
7	Ch 3 – Recreation & Visitor Serving			N/A			
8	Pol 1-Recreational Opportunities			N/A			
9	Pol 2-Priority for Visitor Serving Uses			N/A			
10	Coastal Zone Framework for Planning			N/A	·		
11	Ch 1-Goals			N/A			
12	Ch 5-Circulation			N/A			
13	Purpose & Character Statements			N/A			
14	Allowable Uses – Table 'O'			N/A			
15	Salinas Area Plan	X					
16	Circulation Programs	X					
17	Land Use Programs	Х					
18	Applicable Standards	X					
C. [Ooes the project/proposal comply with the ving?	Yes	Maybe	No			
1	Avoids secondary impacts on neighborhood	Х					
2	Furthers Smart Growth Principles?	Х					
3	Promotes good design?	Х			Abandonment will not affect equestrian trail		
4	Avoid Adverse Environmental Impacts?			N/A	•		
5	Does it preserve Prime Soils for Ag?			N/A			
6	Will retain existing vegetation?		Х				
7.	Avoid excessive land disturbances?	Х					
8	Feasible considering existing hazards?			N/A			
9	Is compatible with existing character of neighborhood?	X					
D. 0	ther Planning Considerations	Yes	Maybe	No	Proposal referred to Advisory Council (TAG).		
1	Will the proposal further stated community objectives?	Х					
2	Will the proposal avoid conflicts with stated community objectives?	Х			•		
3	Does the Community Advisory Council support the proposal?	X			Reviewed, but we did not receive formal comments.		
4	Is the proposal supported by other agencies with jurisdiction?	X					
L.			1	<u> </u>			





Planning Commission March 23, 2006

Page 4 Lopez Abandonment

PROCESS

After general plan conformity review, this road abandonment is forwarded to the Board of Supervisors for a public hearing. The abandonment request is introduced as a proposed "intent to abandon a road" and then is scheduled no sooner than four weeks after introduction as a public hearing before the Board of Supervisors. Mailed notice is given to all properties that have direct access to the road proposed for abandonment. Typically, road abandonment proposals are exempt from environmental review. However, each proposal is evaluated individually.

OTHER AGENCY COMMENTS

The proposal was referred to the Templeton Advisory Group and County Parks Department, but we did not receive formal comments.

DETERMINATION AND FINDINGS

The proposed abandonment (as shown on Attachment 2 - Exhibit A) is in conformity with the County General Plan based on the following findings:

- A. The proposed abandonment is in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for local circulation.
- B. The proposal does not conflict with other elements of the County General Plan. The street is designated a local street in the Circulation Element, therefore this remainder of right of way is not needed to serve local traffic. The use of adjacent properties for residences is also consistent with the County General Plan and any applicable Specific Plans.

Report Prepared by Leonard Mansell, Planner III, and approved by John Hofschroer, Senior Planner, Information Services Group, Department of Planning and Building.

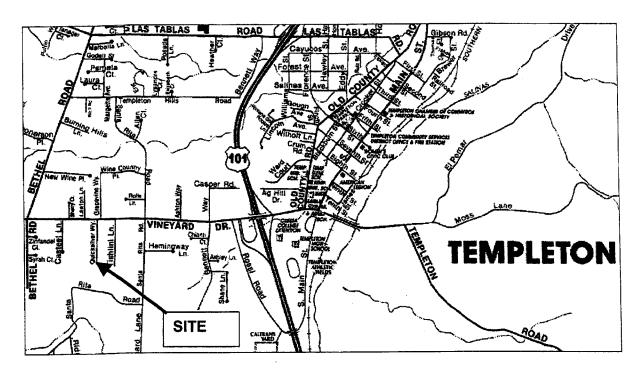
ATTACHMENTS

- Location Map
- Site Plan of Abandonment Request
- 3. Land Use Category Map
- 4. Assessor Map



E1-6

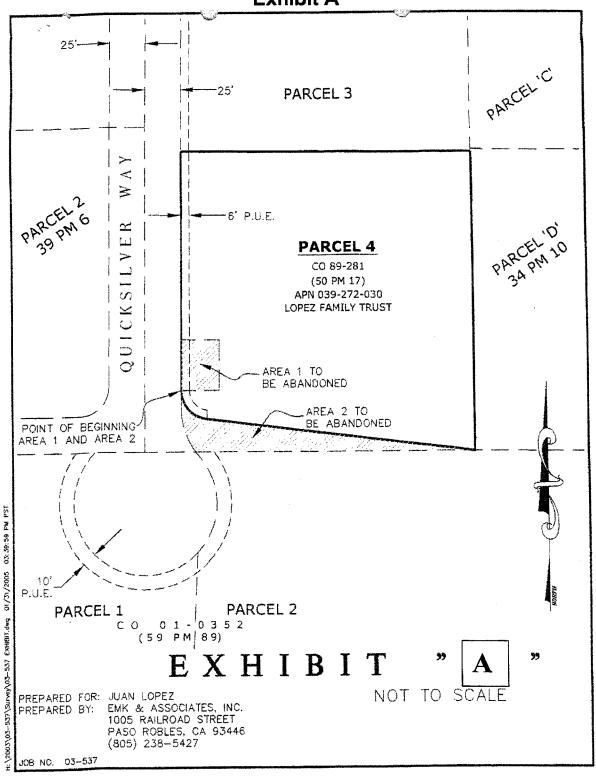
Attachment 1 Location Map





E1-7

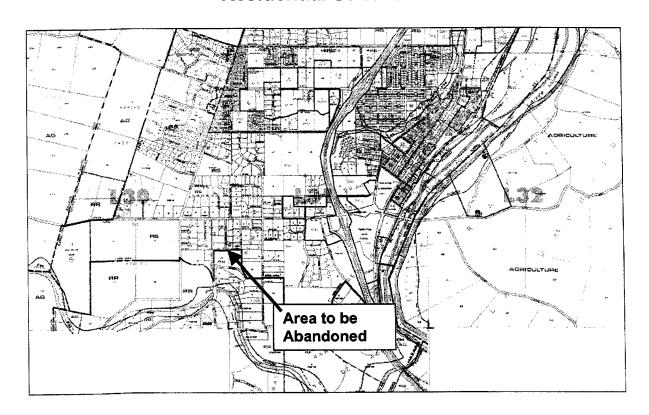
Attachment 2 Site Plan of Abandonment Request Exhibit A



33



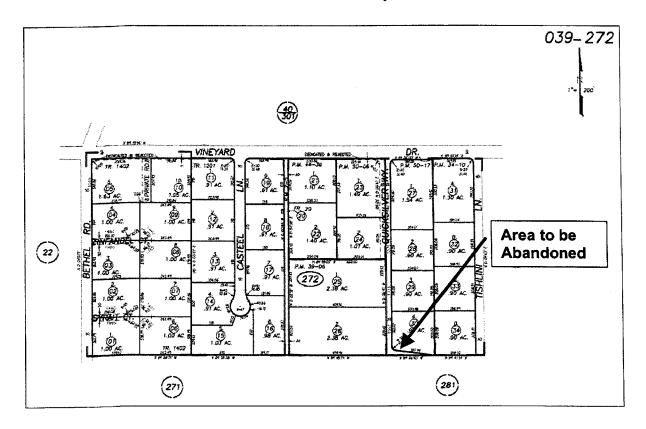
Attachment 3 Land Use Category Map Residential Suburban



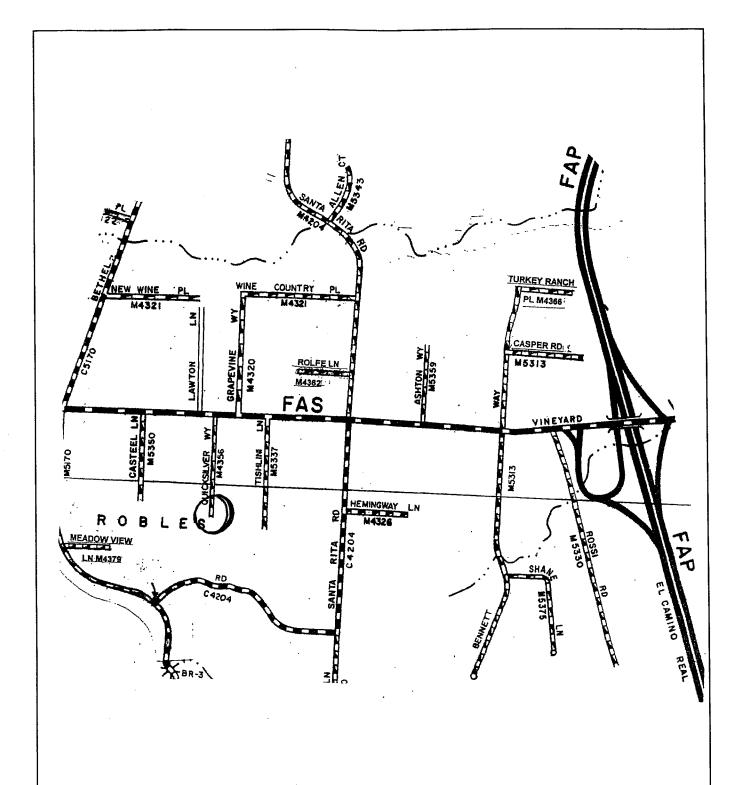
38



Attachment 4 Assessors Map



8/2/



VICINITY MAP FOR QUICKSILVER WAY

ROAD VACATION

3

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

				day	, 20
PRESENT:	Supervisors				
ABSENT:					

RESOLUTION NO.

RESOLUTION OF INTENTION TO VACATE A TEMPORARY EASEMENT AND OFFER OF DEDICATION FOR QUICKSILVER ROAD, A PURPORTED, PUBLIC ROAD, IN THE TOWN OF TEMPLETON, SUPERVISORIAL DISTRICT NO. 1

The following resolution is now offered and read:

WHEREAS, a portion of Quicksilver Road offer to dedicate and temporary easement, a purported public road in the Town of Templeton, more particularly described in Exhibit A, attached hereto and made a part hereof, has been recommended for vacation as being unnecessary for present or prospective public use; and

WHEREAS, the Director of Public Works has recommended vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on March 23, 2006, that said vacation is in conformity with the General Plan.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

- 1. The recitals set forth above are true and correct.
- 2. Pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board does hereby intend to vacate a portion of Quicksilver Road offer to dedicate and temporary easement, a purported public road, in the Town of Templeton, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof.
- 3. Tuesday, the 23rd of May, 2006, at the hour of 9:00 a.m. in the Chambers of this Board of Supervisors in the County Government Center at 1055 Monterey Street in the City of San Luis Obispo is hereby fixed at this time and place for hearing upon the resolution vacation.
- 4. The Clerk of this Board is hereby directed to give notice of such time and place of hearing by publication of the attached notice in a newspaper of general circulation printed and published in the County of San Luis Obispo, for at least two successive weeks prior to the date fixed herein for said hearing.

Code Section 8323, copies of said Notice along the line of said portion of County Road proposed to be vacated at least two weeks prior to said hearing date. , seconded by Supervisor Upon motion of Supervisor , and on the following roll call vote, to wit: AYES: NOES: ABSENT: ABSTAINING: the foregoing Resolution is hereby adopted. Chairperson of the Board of Supervisors ATTEST: Clerk of the Board of Supervisors [SEAL] APPROVED AS TO FORM AND LEGAL EFFECT: JAMES B. LINDHOLM, JR. **County Counsel** Ву: Dated: L:\DEVELOP\APR06\BOS\vacintquicksilver.rsl.wpd.TJS:CAH STATE OF CALIFORNIA, County of San Luis Obispo, , County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book. WITNESS my hand and the seal of said Board of Supervisors, affixed this day of County Clerk and Ex-Officio Clerk of the Board of Supervisors (SEAL)

CD-325

The Clerk of the Board is hereby ordered and directed to cause to the conspicuously posted, in the manner prescribed by Streets and Highways

EXHIBIT "A" AREAS OF ABANDONMENT PARCEL 4 CO 89-291 (50 PM 17)

Those portions of Parcel 4 of Parcel Map CO 89-291 recorded April 29, 1993 in Book 50, Page 17 of Parcel Maps, in the office of the County Recorder, County of San Luis Obispo, State of California, said portions being described as follows:

AREA ONE

That area shown on said Parcel Map and designated as "TEMPORARY EMERGENCY VEHICLE TURNAROUND ESMNT., TO BE ABANDONED WHEN QUICKSILVER WAY IS EXTENDED" being described as follows:

Beginning at the Southerly terminus of the Right-of-way line of Quicksilver Way being the East line of said Parcel 4, said Right-of-way line bearing N00°06'41"E with a distance of 162.67 feet; thence along the boundary lines of said Temporary Easement area S89°53'19"E 27.00 feet; N00°06'41"E 35.00 feet; N89°53'19"W 27.00 feet to a point on said Right-of-way line; thence along said Right-of-way line S00°06'41"W 35.00 feet to the Point of Beginning.

AREA TWO

That area shown on said Parcel Map being an area within the Right-of-way lines of said Quicksilver Way lying Southerly of said Parcel 4 and Northerly of the Parcels shown on Parcel Map CO 01-0352 recorded November 7, 2003 in Book 59, Page 89 of Parcel Maps, in the office of the County Recorder, County of San Luis Obispo, State of California, said area being described as follows:

Beginning at the Southerly terminus of the Right-of-way line of Quicksilver Way being the East line of said Parcel 4, said Right-of-way line bearing N00°06'41"E with a distance of 162.67 feet; thence along a curve to the left tangent to said Right-of-way line with a radius of 20.00 feet, a central angle of 82°54'08" and an arc length of 28.94 feet; thence continuing Southeasterly along said Right-of-way line S82°47'27"E 187.79 feet; thence Westerly along the North line of Parcel 2 of said Parcel Map CO 01-0352

N89°46'50"W 192.89 feet; thence leaving said North line along a non-tangent curve to the right with a radial bearing of N50°18'36"E, a radius of 50.00 feet, a central angle of 39°48'05" and an arc length of 34.73 feet; thence N00°06'41"E 10.68 feet to the Point of Beginning.

See Exhibit "B" attached.

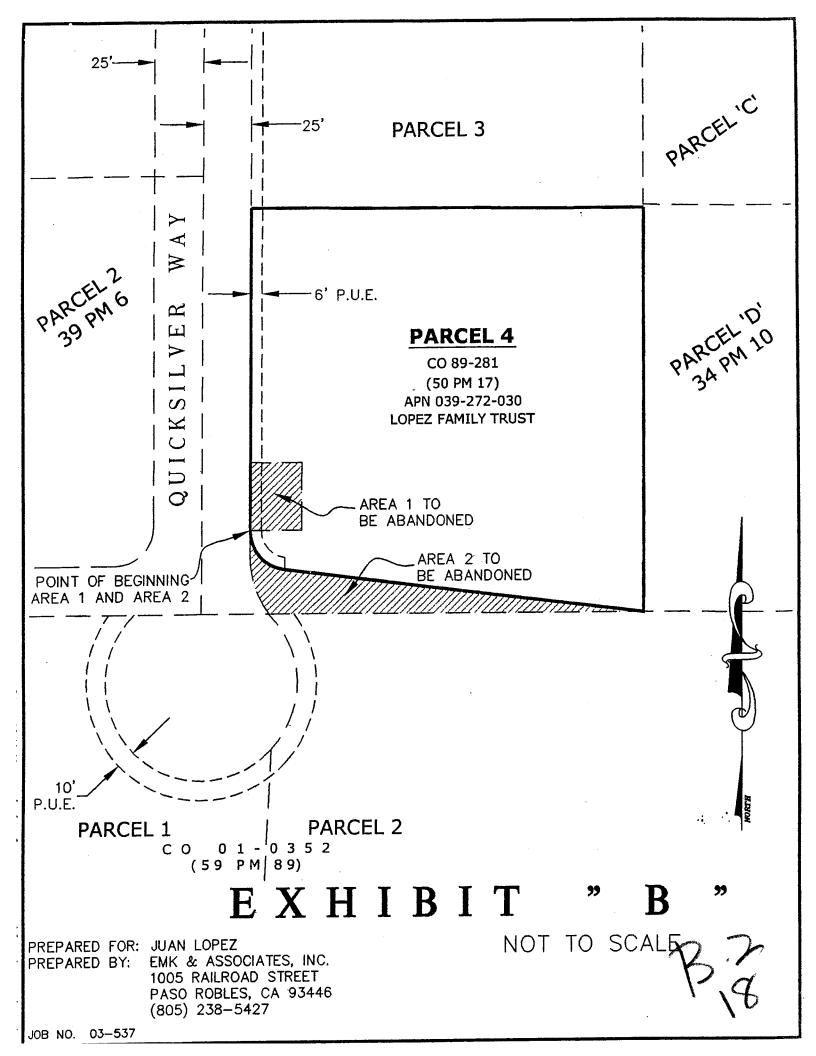
Albert Dan King, LS 5145

(exp. 6-30-2007)

Data

Date





NOTICE OF HEARING OF RESOLUTION TO VACATE A PORTION OF TEMPORARY EASEMENT AND OFFER OF DEDICATION FOR QUICKSILVER WAY, A PURPORTED PUBLIC ROAD, SUPERVISORIAL DISTRICT NO. 1

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Luis Obispo, State of California, duly adopted a resolution of intention to vacate a portion of a temporary easement and offer of dedication for Quicksilver Way, in the Town of Templeton, in the County of San Luis Obispo, Road District No. 1, more particularly described in the attached Exhibit A and shown on the Exhibit B (map).

NOTICE IS HEREBY GIVEN that the Board of Supervisors of said County has duly fixed the 23rd day of May 2006, at the hour of 9:00 o'clock a.m. in the Chambers of the Board of Supervisors in the County Government Center at 1055 Monterey Street in the City and County of San Luis Obispo, State of California, as the time and place of hearing upon the resolution of vacation, and for the hearing of evidence either for or against said resolution by any interested party.

BY ORDER of the Board of Supervisors of the County of San Luis Obispo, State of California (SEAL)

County Clerk and ex-officio Clerk of the Board of Supervisors, County of San Luis Obispo, State of California

By ______ Deputy Clerk

noh.quicksilver

Dated:

B.7

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See Exhibit "B" attached.

Albert Dan King, LS 5145 (exp. 6-30-2007)

1-31-05

Date

B.7

